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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,660	06/18/2007	Arnoldus Theodorus Van Der Heiden	P71434US0	2143
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JACOBSON HOLMAN PLLC			EXAMINER	
400 SEVENTH STREET N.W.			PICO, ERIC E	
SUITE 600				
WASHINGTON, DC 20004			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/590,660	<b>Applicant(s)</b> VAN DER HEIDEN, ARNOLDUS THEODORUS
	<b>Examiner</b> ERIC PICO	<b>Art Unit</b> 3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 March 2009.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claim(s) 1, 8, and 9** is/are rejected under 35 U.S.C. 102(b) as being anticipated by Tasker et al. GB Publication No. 2368574.
3. **Regarding claim 1**, Tasker et al. discloses a stairlift 10 provided with a rail 11 for mounting along a stairway 13, said stairlift 10 comprising
  4. a platform 15 movably mounted on the rail 11,
  5. a drive mechanism 16 for moving the platform 15 along the rail 11 along the stairway 13, the platform 15 being mounted so as to be movable about a vertical shaft 100 relative to the rail 11, and
  6. a drive 16 automatically rotating an angle of the platform 15 relative to the rail 11 dependent on a particular position of the platform 15 along the rail 11 at a location spaced between ends of the rail 11 during movement of the platform 15 along the rail 11, Page 2, Lines 11-14.
7. **Regarding claim 8**, Tasker et al. discloses wherein the drive mechanism 16 to move the platform 15 along the rail 11 along the stairway 13 is coupled to the drive 16 for the angle about the vertical shaft 100 and the drive 16 for the angle about the

vertical shaft 100 is arranged to set the angle depending on a progress of the drive mechanism 16.

8. **Regarding claim 9**, Tasker et al. discloses a method for driving a platform 15 along a rail 11 mounted in a stairwell 13, which comprises the step of automatically rotating the platform 15 relative to the rail 11 about a vertical shaft 100 during movement of the platform 15 along the rail 11, at angles depending on a position of the platform along the rail 11.

9. **Claim(s) 1-4, 6 and 8-11** is/are rejected under 35 U.S.C. 102(b) as being anticipated by Ichihara et al. JP Publication No. 05-116865.

10. **Regarding claim 1**, Ichihara et al. discloses a stairlift provided with a rail 3 for mounting along a stairway 1, said stairlift comprising

11. a platform 6 movably mounted on the rail 3,

12. a drive mechanism 4 for moving the platform 6 along the rail 3 along the stairway 1, the platform 6 being mounted so as to be movable about a vertical shaft Y2 relative to the rail 3, and

13. a drive M automatically an angle of the platform 6 relative to the rail 3 dependent on a particular position of the platform 6 along the rail 3 at a location spaced between ends of the rail, during movement of the platform 6 along the rail 3.

14. **Regarding claim 2**, Ichihara et al. discloses wherein the rail 3 comprises a virtually straight part and a bend, and the drive M is arranged to rotate the platform 6, at positions in the bend, at an orientation or orientations which make a smaller angle with

a part of the rail 2 going downstairs than an orientation of the platform 6 in the straight part.

15. **Regarding claim 3**, Ichihara et al. discloses the stairlift mounted in a stairwell, at such a height above the stairway 1 that a bottom side of the platform 6 does not contact the steps of the stairway 1 during the movement along the rail 3, wherein the height is less than a height which would be needed for not contacting the steps in the bend if, in the bend, the platform 6 would be kept at an orientation of the platform 6 in the straight part.

16. **Regarding claim 4**, Ichihara et al. discloses the stairlift mounted in a stairwell 1 with a wide part, shown at the bent section of the staircase 1, and a narrow part narrower than said wide part, wherein the stairwell 1 is insufficiently wide to let the platform rotate through, and wherein the drive M is arranged to rotate the platform 6, at a position preceding the entering of the narrow part, at an angle from where the platform 6 can be rotated to a position for getting on and off in the narrow part without obstruction from walls in the stairwell.

17. **Regarding claim 6**, Ichihara et al. discloses wherein the rail 3 is mounted in a stairwell 1 such that, if the platform 6 stood still at any fixed angle about the vertical shaft Y2 during movement along the rail 3, the platform 6 would hit a step of the stairway or a wall 2 of the stairwell 1 at any point along the rail 3, and wherein the drive M is arranged to change said angle of the platform 6 relative to the rail 3 en route along the rail 3 such that this prevents hitting steps and/or the wall 2.

18. **Regarding claim 8**, Ichihara et al. discloses wherein the drive mechanism 4 to move the platform 6 along the rail along the stairway is coupled to the drive M for the angle about the vertical shaft Y2 and the drive M for the angle about the vertical shaft is arranged to set the angle depending on a progress of the drive mechanism 4.
19. **Regarding claim 9**, Ichihara et al. discloses a method for driving a platform 6 along a rail 3 mounted in a stairwell 1, which comprises the step of automatically rotating the platform 6 relative to the rail 3 about a vertical shaft Y2 during movement of the platform 6 along the rail 3, at angles depending on a position of the platform 6 along the rail 3.
20. **Regarding claim 10**, Ichihara et al. discloses wherein the rail 3 comprises a virtually straight part and a bend, and the platform 6 is rotated, at positions in the bend, at an orientation or orientations which make a smaller angle with a part of the rail 3 going downstairs than an orientation of the platform in the straight part.
21. **Regarding claim 11**, Ichihara et al. discloses wherein the rail 3 is mounted in a stairwell with a wide part and narrow part narrower than said wide part, wherein the stairwell is insufficiently wide to let the platform 6 rotate through, and wherein the platform 6 is rotated, at a position preceding the entering of the narrow part, at an angle from where the platform 6 can be rotated to a position for getting on and off in the narrow part without obstruction from walls in the stairwell.

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. **Claim(s) 5** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Ichihara et al. JP Publication No. 05-116865 in view of Tasker et al. GB Publication No. 2368574.

24. **Regarding claim 5**, Ichihara et al. discloses wherein the stairwell 1 comprises a bend with parts on both sides, wherein the stairwell 1 is insufficiently wide to let the platform 6 rotate through, and wherein the drive is arranged to make the platform rotate between angles from which the platform can be rotated to a position for getting on and off in the respective parts without obstruction from walls of the stairwell.

25. Ichihara et al. is silent concerning wherein the drive is arranged to make the platform rotate between angles from which the platform can be rotated to a position for getting on and off in the respective parts without obstruction from walls of the stairwell.

26. Tremblay et al. teaches wherein a drive is arranged to make a platform 15 rotate between angles from which the platform 15 can be rotated to a position for getting on and off in respective parts without obstruction from walls of a stairwell, Pages 6-9.

27. It would have been obvious to one of ordinary skill in the art at the time of the invention to arrange a drive as taught by Tremblay et al. to rotate the platform disclosed by Ichihara et al. to provide a convenient position while getting on and off the stair lift.

28. **Claim(s) 7** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Ichihara et al. JP Publication No. 05-116865 in view of Rickaby International Publication No. WO 2004/000712.

29. **Regarding claim 7**, Ichihara et al. is silent concerning wherein the drive is provided with a position sensor for detection of a position of the platform along the rail, memory means comprising information about a desired angle setting as a function of the position, and a motor, wherein the sensor is coupled to the memory means for reading out information about the desired angle setting depending on sensor information, and the memory means are coupled to the motor for controlling the angle depending on the read-out information about the desired angle setting.

30. Rickaby teaches wherein a drive 11 is provided with a position sensor 19 for detection of a position of a platform 1 along a rail 3, memory means comprising information about a desired angle setting as a function of the position, and a motor 16, wherein the sensor 19 is coupled to the memory means for reading out information about the desired angle setting depending on sensor 19 information, and the memory means are coupled to the motor 16 for controlling the angle depending on the read-out information about the desired angle setting, Page 4, Lines 4-6; Page 5, Lines 1-8; and Page 7, Lines 15-27 – Page 8, Lines 1-3.

31. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a position sensor as taught by Rickaby to the platform disclosed by Ichihara et al. to maintain a desired orientation of the stairlift.

***Response to Arguments***

32. Applicant's arguments filed 3/10/2009 have been fully considered but they are not persuasive.
33. In response to applicant's argument, "Tasker only teaches rotation only at the ends of the rail, when movement has stopped" Tasker et al. discloses on Page 2, Lines 11-14, "[h]owever, when the carriage is positioned at or closely adjacent the ends of the track, with these ends defining positions at which the user may wish to get on or off the seat part, angular movement of the seat is permitted so that the seat may be brought into a convenient position" therefore Tasker et al. does not teach rotation only at the ends of the rail but also when the carriage is positioned at or closely adjacent the ends.
34. In response to applicant's argument, "Tasker teaches a toggle switch for user control of rotation, not automatic control" Tasker et al. discloses a drive 16 automatically rotating an angle of the platform relation to the rail 11 dependant not only on a particular position of the platform 15 along the rail 11, due to sensing means, but also dependent on control means.
35. In response to applicant's argument, "Ichihara has no drive that rotates the platform relative to the rail" Ichihara et al. drive M automatically rotates an angle of the platform relative to the rail since drive M drives the platform to translate along the rail.
36. In response to applicant's argument, "the mechanism keeps a constant orientation of the platform relative to the rail at the point of contact" while the platform travels along the bend the mechanism is not kept at a constant orientation relative to the rail at the point of contact due to the shape of the bend.

37.

***Conclusion***

38. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC PICO whose telephone number is (571)272-5589. The examiner can normally be reached on 6:30AM - 3:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Nguyen can be reached on 571-272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/John Q. Nguyen/  
Supervisory Patent Examiner, Art Unit 3654

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